

SECOND REGULAR SESSION

SENATE BILL NO. 621

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3565S.011

AN ACT

To repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to digital cadastral parcel mapping.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 327.272, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 60.670 and 327.272, to read as
3 follows:

60.670. 1. As used in this section, the following terms shall mean:

2 **(1) "Cadastral parcel mapping", an accurately delineated**
3 **identification of all real property parcels. The cadastral map is based**
4 **upon the USPLSS. For cadastral parcel maps the position of the legal**
5 **framework is derived from the USPLSS, existing tax maps, and tax**
6 **database legal descriptions, recorded deeds, recorded surveys, and**
7 **recorded subdivision plats.**

8 **(2) "Digital cadastral parcel mapping", encompasses the concepts**
9 **of automated mapping, graphic display and output, data analysis, and**
10 **data base management as pertains to cadastral parcel mapping. Digital**
11 **cadastral parcel mapping systems consist of hardware, software, data,**
12 **people, organizations, and institutional arrangements for collecting,**
13 **storing, analyzing, and disseminating information about the location**
14 **and areas of parcels and the USPLSS;**

15 **(3) "USPLSS" or "United States public land survey system", a**
16 **survey executed under the authority of the United States government**
17 **as recorded on the official plats and field notes of the United States**
18 **public land survey maintained by the land survey program of the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **department of natural resources;**

20 **(4) "Tax map", a document or map for taxation purposes**
21 **representing the location, dimensions, and other relevant information**
22 **pertaining to a parcel of land subject to property taxes.**

23 **2. The office of the state land surveyor established within the**
24 **department of natural resources shall promulgate rules and regulations**
25 **establishing minimum standards for digital cadastral parcel**
26 **mapping. Any rule or portion of a rule, as that term is defined in**
27 **section 536.010, that is created under the authority delegated in this**
28 **section shall become effective only if it complies with and is subject to**
29 **all of the provisions of chapter 536, and, if applicable, section**
30 **536.028. This section and chapter 536, are nonseverable and if any of**
31 **the powers vested with the general assembly pursuant to chapter 536,**
32 **to review, to delay the effective date, or to disapprove and annul a rule**
33 **are subsequently held unconstitutional, then the grant of rulemaking**
34 **authority and any rule proposed or adopted after August 28, 2010, shall**
35 **be invalid and void.**

36 **3. Any map designed and used to reflect legal property**
37 **descriptions or boundaries for use in a digital cadastral mapping**
38 **system shall comply with the rules promulgated under this section,**
39 **unless the party requesting the map specifies otherwise in writing, the**
40 **map was designed and in use prior to the promulgation of the rules, or**
41 **the parties requesting and designing the map have already agreed to**
42 **the terms of their contract on the effective date of the rules**
43 **promulgation.**

327.272. 1. **A professional land surveyor shall include** any person
2 who practices in Missouri as a professional land surveyor who uses the title of
3 "surveyor" alone or in combination with any other word or words including, but
4 not limited to "registered", "professional" or "land" indicating or implying that the
5 person is, or holds himself or herself out to be a professional land surveyor who
6 by word or words, letters, figures, degrees, titles or other descriptions indicates
7 or implies that the person is a professional land surveyor or is willing or able to
8 practice professional land surveying or who renders or offers to render, or holds
9 himself or herself out as willing or able to render, or perform any service or work,
10 the adequate performance of which involves the special knowledge and
11 application of the principles of **land surveying**, mathematics, the related
12 physical and applied sciences, and the relevant requirements of law, all of which

13 are acquired by education, training, experience and examination, that affect real
14 property rights on, under or above the land and which service or work involves:

15 (1) The **determination, location, relocation, establishment,**
16 **reestablishment, layout, or retracing** of land boundaries **and positions of**
17 **the United States Public Land Survey System;**

18 (2) Monumentation of land boundaries, land boundary corners and corners
19 of the United States Public Land Survey System;

20 (3) The subdivision of land into smaller tracts;

21 (4) **Creating, preparing, or modifying electronic or computerized**
22 **data relative to the performance of the activities in subdivisions (1) to**
23 **(3) of this subsection;**

24 (5) Consultation, investigation, evaluation, planning, design and
25 execution of surveys;

26 [(5)] (6) The preparation of any drawings showing the shape, location,
27 dimensions or area of tracts of land;

28 [(6)] (7) Monumentation of geodetic control and the determination of
29 their horizontal and vertical positions;

30 [(7)] (8) Establishment of state plane coordinates;

31 [(8)] (9) Topographic surveys and the determination of the horizontal and
32 vertical location of any physical features on, under or above the land;

33 [(9)] (10) The preparation of plats, maps or other drawings showing
34 elevations and the locations of improvements and the measurement and
35 preparation of drawings showing existing improvements after construction;

36 [(10)] (11) Layout of proposed improvements;

37 [(11)] (12) The determination of azimuths by astronomic observations.

38 2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of
39 subsection 1 of this section are exclusive to professional land surveyors unless
40 they affect real property rights. For the purposes of this section, the term "real
41 property rights" means a recordable interest in real estate as it affects the
42 location of land boundary lines.

43 3. Nothing in this section shall be construed to preclude the practice of
44 architecture or professional engineering as provided in sections 327.091 and
45 327.181.

46 4. Nothing in this section shall be construed to prohibit the subdivision
47 of land pursuant to section 137.185, RSMo.